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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION**

SAMANTHA ALARIO, *et al.*,

*Plaintiff,*

TIKTOK INC.,

*Consolidated Plaintiff;*

v.

AUSTIN KNUDSEN, *in his official  
capacity as Attorney General of the  
State of Montana,*

*Defendant.*

CV 23-56-M-DWN

CV 23-61-M-DWN

**UNOPPOSED MOTION OF THE  
INSTITUTE FOR FAMILY  
STUDIES FOR LEAVE TO FILE  
AMICUS CURIAE BRIEF IN  
OPPOSITION OF PLAINTIFF  
AND CONSOLIDATED  
PLAINTIFFS' MOTIONS FOR  
PRELIMINARY INJUNCTION**

**I. INTRODUCTION**

Pursuant to Local Rule 7.5(b), the Institute for Family Studies (“IFS”) files its Unopposed Motion for Leave to File an *Amicus Curiae* Brief ("Motion") and respectfully move for leave to file an *amicus* brief in opposition of the plaintiffs

and consolidated plaintiffs' motions for preliminary injunctions in these consolidated cases (Doc. Nos. 11, 17). In accordance with Local Rule 7.1(c) and as agreed to by all parties (Doc. No. 19), counsel for all parties have been contacted, and no party opposes this Motion. If leave is granted, proposed amicus is prepared to file its brief by September 14, 2023.

## **II. *AMICUS'S* INTEREST IN THIS MATTER**

As the preeminent research institute on the American family, IFS has achieved excellence in its work identifying relationships between the institution of the family and social and economic phenomena. Its work has been featured in the *New York Times*, *Wall Street Journal*, *Washington Post*, the *Atlantic*, and countless other publications. Colleagues of our researchers continually refer to our work to advance family studies. The Institute for Family Studies encourages state legislators to consider the wealth of evidence that social media, and especially TikTok, are harmful for American youth.

The IFS believes that Montana's law is the best way to protect Montana's children from the harm TikTok poses. Even as smartphone use and the negative effects of social media increased several times over when Facebook bought Instagram, so too has TikTok taken the digital lives of American youths into unprecedented territory. TikTok, though only a relatively recent entrant into the U.S. social media market, presents a particular danger for America's youth. Since

it was acquired by ByteDance in 2017 and evolved from Musical.ly in 2018, TikTok has dominated users' time, quickly surpassing all other possible platforms in downloads and duration.

IFS supports SB419 without reservation. Social media companies have failed to protect underaged users, and TikTok is particularly dangerous for their mental health due to its addictive qualities and intention to radicalize users and creators. Ultimately, content is much less controllable and trustworthy on TikTok than on any other social media platform.

Given the claims raised by Plaintiffs, this case is existential to those efforts and at the core of the IFS's mission to protect children online. Thus, the IFS seeks relief to participate as an *amicus curiae*.

### **III. THE PROPOSED *AMICUS* BRIEF IS RELEVANT AND DESIRABLE**

Pursuant to Local Rule 7.5(b)(2)(D), a prospective *amicus* must "state why an *amicus* brief is desirable and relevant, including why the parties cannot adequately address the matter." D. Mont. L.R. 7.5(b)(2)(D). As the Ninth Circuit has held, a court "has broad discretion to appoint *amici curiae*." *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982). In determining whether to grant an *amicus*'s Motion, the Court should consider whether the brief "supplement[s] the efforts of counsel, and draw[s] the court's attention to law that escaped consideration." *Miller-Wohl Co., Inc. v. Comm'r of Labor & Indus. Mont.*, 694 F.2d. 203, 204 (9<sup>th</sup>

Cir. 1982). As this Court stated when granting Plaintiffs’ *amici’s* motion, “amicus briefing may be helpful to provide unique information and perspective beyond that provided by the parties.” Doc. No. 30.

The IFS provides such unique perspective. Senior fellows are family scholars at different universities around the country. Several years ago, because of the extraordinary effect that social media was having on American families—particularly, American adolescents—IFS undertook an effort to study the problem and to provide policy papers offering solutions that we discovered therein.

In August 2022, with the Ethics and Public Policy Center, we released, “Protecting Teens from Big Tech: Five Policy Ideas for States,” which provided the policy cornerstone of the State of Utah’s recent legislation, The Social Media Regulation Act, and several other bills in different states modeled after it. In October 2022, we released, “Teens and Tech: What Difference Does Family Structure Make?” by Jean Twenge, Professor of Psychology at San Diego State University, et al, which surveyed 1,600 U.S. tweens and teens, ages 11 to 18, who were attending 5th through 12th grade in May 2022. The Teens and Tech Survey, fielded by Ipsos, covered a range of topics related to media consumption, family structure, and the mental health of adolescents. In short, we found that heavy tech usage was associated with negative mental health outcomes. In June 2023, with the Ethics and Public Policy Center, we released, “Age Verification: Policy Ideas for

States,” on how states could balance effective implementation with the need to preserve user privacy. Finally, in July 2023, we released the research brief, “More Scrolling, More Marital Problems: Less Sex, More Divorce Worries for Couples Distracted by Phones.” We have also published several dozen editorials on how social media is affecting family life in general.

Our work has led us to the conclusion that having access to TikTok is bad for America’s teens and we seek to provide this perspective for the Court’s consideration.

#### **IV. TIMING OF *AMICUS* BRIEF**

This Motion is timely. On July 5, 2023, TikTok and the individual plaintiffs filed their respective motions for preliminary injunction and supporting briefs. *See* Dkt. Nos. 11-18. That same day, all parties filed a Joint Motion for Schedule for Briefing and Hearing on Plaintiffs' and Consolidated Plaintiff's Motions for Preliminary Injunction. Dkt. No. 19. Pursuant to that joint motion, the parties agreed that motions for leave to file *amicus* briefs opposing Plaintiff's injunction should be submitted on or before September 1, 2023. Recently, the Court granted Plaintiff's *amici* motion to file an *amici* brief due 14 days after filing their motion and granting them a word limit of 4,000 words. Dkt. No. 32. In equity, the Institute request the same relief as those *amici*.

## I. CONCLUSION

For all the foregoing reasons, IFS respectfully moves this Court for leave to file an *amicus* brief in opposition of the plaintiffs' and consolidated plaintiffs' motions for preliminary injunctions in these consolidated cases, which will be no more than 4,000 words and due no later than 14 days after the filing of this Motion, by September 14, 2023.

Dated: September 1, 2023

Respectfully submitted,

/s/ Abby Jane Moscatel  
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Blacktail Law Group, PLLC

*Attorney for Amicus Curiae,  
Institute for Family Studies*

## **CORPORATE DISCLOSURE STATEMENT**

Pursuant to Local Rule 7.5(b)(2)(B), *Amicus Curiae* Institute for Family Studies (“IFS”) files this Corporate Disclosure Statement, which complies with the requirements of Federal Rule of Civil Procedure 7.1.

The Institute hereby discloses that it is a 501(c)(4) District of Columbia organization, and has no parent corporation, nor does any publicly held corporation own 10% or more of its stock.

Dated: September 1, 2023

Respectfully submitted,

/s/ Abby Jane Moscatel  
Abby Jane Moscatel, Esq.  
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**CERTIFICATE OF  
COMPLIANCE**

I certify that the foregoing Unopposed Motion for Leave to File *Amici Curiae* Brief, including the Corporate Disclosure Statement, contains 1028 words, exclusive of caption and certificates of service and compliance.

Dated: September 1, 2023

Respectfully submitted,

/s/ Abby Jane Moscatel  
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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 1, 2023, a true and correct copy of the foregoing Motion for Leave to File *Amicus Curiae* Brief was filed by hand served via Federal Express Next Day upon the following:

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